CASH IN ADVANCE.

To insure publication in the Gazette, all advertisements received at this office must be accompanied by the cash except in cases where contracts exist.

STEREOTYPING.

The Gazette Prepared to Fill All Orders for Casting Stereotype Plates.

Job offices in the city and out of town can have their type matter cast in plates any size at THE GAZETTE office. This will be a great convenience to job printers, enabling them to economize in type and press work. Charges reasonable.

Circulators' Notice.

All who are indebted to us for the Daily GAZETTE, who do not pay for same by the 10th of the month, will be cut off from the subscription list without further notice. We are compelled to pay for every paper we take from the office and it is impossible for us to do this unless we are paid. This rule will have no exceptions.

B. F. & J. B. SPRINKLE, City Circulators.

A BRONZE MONUMENT

To the Andrews Raiders—A Miniature Locomotive of Bronze.

CHATTANOOGA, TENN., May 23.—A bronze monument to the Andrews Raiders was raised in the National cemetery yesterday. It is in six sections, surmounted by a bronze locomotive, a fac simile in miniature of the "General" the engine which the party of soldiers at Big Shanty, Ga., captured while attempting to destroy the bridges between here and Atlanta in 1863. Several of them were hanged, eight of them being buried in the cemetery. Suitable descriptions are in the tribute which will be unveiled Decoration day.

FARMERS, THE CRY.

Farmers Needed to Break Up the Large Tracts of Land About Terrell, Thereby Benefiting the City of Terrell and Surrounding Country.

TERRELL, TEX., May 23.—This community still sticks to the text and wants 10,000 small farm men. Those who have little means or large means, but want small farms and are disposed to work them well. Capital is much needed, but we need the farmer worse than anything else just now.

Why? Because this is a farming section and lands are cheap at this time.

Because such people make good citizens, and we can get more of them to the mile square.

Because dry goods and groceries are cheap and can be obtained to suit the poor farmer.

Because there are too many large tracts of land for the good of the town and country.

Because the settlement of this class will add wealth to Terrell and stability to all her enterprises.

Because we want the honest young farmer to secure a good home before the good time goes by.

Because we want to make this the best community in Texas or any other state.

Because the farmer can secure the advantages of the city public schools without extra charge.

Because we have a system of public schools equal to any in the state.

Because we propose to even improve on the same every year.

Because we need this class of citizens very badly, as does every other good community.

Gazette Circulator's Office.

Those who wish to subscribe or settle subscriptions to the Fort Worth Daily GAZETTE will please call at our office, 104 Main street between Weatherford and Belknap. W. H. Sprinkle, [illegible]. Respectfully,

B. F. AND J. B. SPRINKLE, City Circulators.

The New Mallory Line Steamer,

Concho, James Bolger, commander, is appointed to sail from Galveston for New York Wednesday May 27. This is the maiden voyage of this magnificent steamer. The well-known steamer Lampasas, M. B. Crowell commander, will sail Saturday May 30. For through tickets, reservation of berths, etc., apply to any railroad ticket agent or to W. J. Young, general Southern passenger agent, San Antonio.

SUPREME COURT.

DECISIONS RENDERED AT THE PRESENT AUSTIN SITTING.

The Findings—Hon. John W. Stayton, Chief Justice; R. R. Gaines and John L. Henry, Associate Judges—C. S. Morse, Clerk.

R. F. Ewing et al. vs. State of Texas, ex rel. Mrs. S. E. Pollard et al.; from Dallas. This was a proceeding in the nature of a quo warranto instituted by the county attorney of Dallas county for the purpose of ousting respondents from the office of mayor and councilmen of the city of Oak Cliff. The information alleged that the city had never been legally incorporated, in that the limits described in the petition and order for election embraces a large scope of country which is rural in its character, and that many of the people embraced in said territory were engaged in agricultural occupations, while there were many unoccupied surveys, pastures, etc. Held: 1. The facts bring the case within the principles announced in the case of State vs. Eidson [76 Tex., 302], in which it was held that the statute which authorized towns and villages to incorporate for school purposes only did not authorize them to include within the limits of their professed corporations adjacent territory inhabited solely by a rural population, and for a stronger reason we think they cannot embrace territory not inhabited at all. 2. The manner of incorporating towns and villages for school purposes, and for incorporating cities and towns for municipal purposes are precisely the same. If a town is not authorized to embrace within the limits of its corporation for school purposes territory beyond the limits of the actual town, a city when it seeks to create a corporation for municipal purposes must confine itself to its actual boundaries. 3. The legislature has not given cities and towns the power to embrace in their corporations territory lying beyond their actual limits and this being true the boundaries of a municipal corporation is a question for the courts and not for the legislature. 4. The action of the county judge in ordering the election based on the petition in which the boundaries were described, was not conclusive of the question of boundary. 5. It was not necessary to make the city of Oak Cliff a party to the suit because the suit was based on the proposition that it was not a city and had never been legally incorporated. 6. The evidence shows that only two of the ten square miles incorporated was actually inhabited as a city and that many farms, pastures and unoccupied lands were embraced in the alleged incorporation, the judgment holding the incorporation invalid and void is correct. Affirmed. Gaines, J.

M. Welsh vs. J. B. Morris; from Grayson. Suit by appellee to enjoin appellant from pursuing the business of an undertaker in the city of Denison and to recover damages. Injunction granted with judgment for $250. Held: The testimony of appellee as to tee value of the business done by appellant, was admissible as tending to show what damage appellee had sustained. 2. Appellant and his brother having sold their stock to appellee and bound themselves as the firm of Welsh Brothers, not to continue in the business of undertakers so long as appellee was so engaged, they must be held to be bound by their contract. 3. The court erred in finding that Welsh Brothers resumed business in Denison in 1885. It should have been 1886; but we do not think this finding influenced the result in any way. 4. We can not agree with appellant in his contention that the obligation not to resume business bound the firm of Welsh Brothers only, and not its members as individuals. It operated upon them as individuals as well as a firm. 5. The fact that the profits of the business done by appellee was as great after appellant resumed business as before, does not prove that his profits were not less by reason of the business done by appellant. Affirmed. Henry, J.

A. H. Dobkins vs. Simon Kuykendall et al.; from Erath. Suit by appellant to recover a tract of land in the ordinary form of trespass to try title. 1. Appellant sold land in controversy "containing eighty acres more or less" to Simon Kuykendall. Shortly after the purchase the latter, who was a married man and the head of a family, having no other land, selected a place for a house and laid a stone foundation and hauled material intending to build a house and make it his home. Not being able to do so at once, he rented land intending to finish building when able to do so. The next year after buying he sold eighty acres, which still left a portion to appellee. Appellant claimed that the land not conveyed by appellee was not sold to him by the former and Kuykendall gave him a quit claim deed to the land signed by himself and wife, but not acknowledged by the latter. The quit claim deed recited a consideration, but nothing in fact, was paid by appellant. Subsequently Kuykendall and his wife separated, the children remaining with the latter, who about four years after the execution of the quit claim deed, moved on the land in controversy, denying that she ever signed the deed. Appellant brought this suit against her joining the husband to recover possession. Appellees answered, claiming same as a homestead. Judgment for appellees. Held: While there is much conflict in the testimony and enough to have sustained a verdict for appellant, the verdict has settled that issue against him. 2. The court did not err in charging upon the homestead theory. The evidence justified the verdict. Affirmed. Gaines, J.

C. A. Browning et al. vs. J. L. Pumphrey et al.; from Jones. Suit by appellants for recovery of land. 1. Judgments, whether of dismissal of a cause, or upon the merits, cannot in effect be set aside on the ground of absence of attorneys, when their failure to be present is purely the result of negligence or indifference to the interests of clients. 2. Pumphrey's plea of limitation of three years was shown by the uncontroverted evidence to be good, and bars a recovery by appellants. 3. Appellants and their ancestors not having their claim to the land recognized for nearly thirty years, we think no court ought to enforce it, and especially so as against one who purchased the legal title that had stood unquestioned for nearly thirty years before he had bought in ignorance of the claim now asserted. [15 Tex., 575; 27 Tex., 612; 48 Tex., 89; 60 Tex., 341; 59 Tex., 435, and other authorities.] 4. Although erroneous charges were given, no judgment other than the one rendered could have been entered, and the cause cannot therefore be reversed. Affirmed. Stayton, C. J.

New York and Texas Land Company vs. R. M. Thompson; from Travis. Motion to withdraw from the commission of appeals. 1. Although both parties may agree that a case be withdrawn from the commission of appeals, some reason must be shown before such request will be granted. Overruled. Per curiam.

Susan Corley vs. Cris Anderson. Motion for certiorari. 1. It being shown that the record as brought up is incomplete the motion is granted. So ordered. Per curiam.

A. Achilles et ux. vs. P. J. Willis & Bro.; from Travis. Suit by Achilles and wife to restrain appellees from selling two lots in the city of Austin, claiming the same as their homestead. The court below adjudged that the lot on which appellants lived was their homestead, but that the lot across the street from their residence was subject to execution. The evidence shows that a part of the lot held not exempt by the court below was rented out as a butcher shop by appellants, and that on the other part was a part of an old stable in which he at one time kept feed, and that he fed cows and horses on said lot. The lot was also used to deposit wood, he being in the wood business, and he had used it for some purpose ever since he had owned it. He also testified that he purchased the lot to use in connection with his homestead. Held: The finding of the court that the lot was not exempt, and subject to execution, was correct. Affirmed. Gaines, J.

L. H. Carhart vs. G. A. Brown; from Donley. Motion to suppress brief of appellant. 1. That the statement may contain some improper matter is no ground for suppressing the brief. The brief is fairly well made in compliance with the rules. Overruled. Per curiam.

N. R. Steagall vs. Western Union Telegraph Company; from Lampasas. 1. Where neither party files briefs by the last call of the assignment a cause will be dismissed. So ordered. Per curiam.

Richard Peterson vs. G. W. Ward et al; from Nolan. Motion to file transcript. 1. Where good and sufficient reasons can be shown for not filing a transcript in the required time, on motion same may be filed. Granted. Per curiam.

Adolph Webber vs. C. T. Moss; from Llano. 1. No briefs having been filed for either party by the last call of the assignment, the cause must be dismissed. So ordered. Per curiam.

Jack Hittson vs. G. N. Gentry, admr.; from Nolan. Motion to give precedence. 1. This is not any appeal from an order of the probate court, or for the purpose of having an order of the probate court reviewed, and while an administrator is a party to the suit, still it is not entitled to precedence. Motion refused. Per curiam.

A. E. Carothers vs. George Covington et al.; from Lampasas. 1. Where no briefs for either party are filed by the last call of the assignment to which the cause is returnable same will be dismissed for want of prosecution. Dismissed. Per curiam.

Martin Clothing Company vs. S. N. Zemansky; from Grayson. 1. A cause may be dismissed by agreement of both parties to that effect. Appeal dismissed as per agreement filed. Per curiam.

Buena Ventura Stock Company vs. T. J. McGill; from Concho. 1. This being the last call of the assignment and no briefs being filed for either party, the cause will be dismissed for want of prosecution. So ordered. Per curiam.

JOSEPH H. BROWN'S ESTATE.

The mammoth storehouse at foot of Main street, formerly occupied by Joseph H. Brown, also the factory block in rear thereof and a number of other lots in Fort Worth are now for sale at a bargain and on easy terms. The unoccupied part of the store, also the factory for rent. Apply to [illegible] Y. Ho[illegible], Office over Traders National Bank.

CAMPBELL EXCITED.

The Assistant Prosecuting Attorney Arraigns a Prisoner and is Given the Lie.

JACKSONVILLE, FLA., May 23.—There was an exciting scene yesterday at the trial of Campbell for the murder of Mamie Joseph. O. H. Summers, assistant prosecuting attorney, was making the argument when Campbell interrupted him. Summers paid no attention to him and went on with the statement that Campbell's undesired attentions to Miss Joseph were regarded as persecutions. Campbell rose excitedly, threw up his arms and cried, "that is a d—d lie—that is a d—d lie." Said Campbell excitedly, "I can go before my God with this conscience. I don't feel this crime." He gesticulated wildly and shook his fist at Mr. Summers.

The sheriff took Campbell from the courtroom and proceedings were stopped for fifteen minutes, until the prisoner could be quieted.

Judge Young instructed the jury, when it returned last night, that he would come into court to receive the verdict up to midnight, but that otherwise they would have to stay out until morning. At midnight the jury is still out.

Cottage Burned.

Correspondence of the Gazette.

BRANDON, TEX., May 22.—Last night the newly erected cottage of R. M. Ferguson burned. Mr. Ferguson had recently located in our town. The loss is estimated at $2000. No insurance. Thought to be the work of an incendiary.

Dallas District Conference.

Correspondence of the Gazette.

PLANO, TEX., May 22.—The Dallas district conference of the Methodist Episcopal church, South, met here yesterday. Rev. T. R. Pierce, the presiding elder, is presiding. Bishop Haygood, who was to be here, was kept away on account of his removal to California. B. M. Burgher from Dallas was elected secretary. There is a full attendance of preachers and delegates from Dallas, McKinney, Grapevine and all points in the district. Committees on missions, education and all the various church institutions were appointed. L. Blaylock of the Texas Advocate is a delegate. Rev. J. M. Milan, agent of the North Texas Female college, is here in the interest of the college. S. J. Plemmons, the "omnibus man" of McKinney is a delegate, and says all who ride on his "bus" must pay, and if he was a pastor of a church he would run the church the same way. Rev. George W. Owens, tract agent, is in attendance at the conference. Rev. I. Z. T. Morris of the Texas Methodist depository, made a speech in the interest of that institution yesterday.